

## ORDINANCE NO. 7440

### ORDINANCE AMENDING CHAPTER 5.28 ENTITLED "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE.

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

***SECTION 1. That Section 5.28.030, entitled "General license regulations" is amended to read as follows:***

**5.28.030 General license regulations.** A. No alcohol license available under this chapter shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church, without council approval. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of said school, church or hospital, to the main entrance to such premises.

B. Paragraph A shall not apply to bona fide clubs, hotels or premises with restaurant capacity and facilities to serve more than 50 seated patrons.

C. Each premises for which a license is granted under this chapter must be connected with and have at all times, city water and sewage facilities and must be properly lighted and ventilated.

D. Closing hours for Class "B" (licensed taverns) shall conform with the requirements of section 125.32(3) of the Wisconsin Statutes.

E. No premises for which a Class "A" or a "Class A" Retailers License is issued shall be permitted to remain open for the sale of ~~fermented malt beverages~~ any alcoholic beverages between the hours of 9:00 p.m. and 8:00 a.m., including the sale of alcohol for carry-out at those premises for which a Class "B" or a "Class B" license has been issued that is primarily operating as a grocery store, as provided in 5.28.032.

F. All alcohol beverages shall be sold, dispensed, given away or furnished entirely within and upon the licensed premises, and no alcohol beverages shall be sold, dispensed, given away or furnished to any person not upon the licensed premises, by means of a drive-up or walk-up window or similar facility.

G. Between the hours of 12:00 midnight and 8:00 a.m., no person may carry out, nor may any person permit the carry-out from any establishment licensed under this chapter, any alcohol beverages for consumption away from the premises.

H. No "Class A" liquor store license available under this chapter shall be issued for any premise which is located less than 500 feet from an already existing "Class A" liquor store licensed under this chapter. 500 feet shall be measured from the closest entrance of one premise to the closest entrance of the other premise.

I. All alcohol beverages on a "Class A" licensed premise shall be sold only on said premises by employees of the licensee.

J. Each "Class A" licensed premise shall be effectively separated from any unlicensed premise in the manner as approved or prescribed by the city council.

K. Between the hours of 9:00 p.m. and 8:00 a.m., or on Sundays before 12:00 noon, no person may purchase or carry out, nor may any person sell or permit the carry out from any establishment licensed under this chapter, any receptacle containing fermented malt beverages in excess of 1 gallon in volume.

***SECTION 2. That Section 5.28.032, entitled "'Class B" license for sale of intoxicating liquor" is amended to read as follows:***

**5.28.032 "Class B" license for sale of intoxicating liquor.** A. The City Council finds that excessive consumption of alcohol is one of the primary issues affecting the health and safety of the Eau Claire community, one that is fueled by ease of access to intoxicants and alcohol of any kind. Excessive consumption of alcohol is found to be limited by restricting the hours in which large quantities of alcohol may be purchased at any one time. This section is intended to limit such deleterious effects by providing for the health, safety, and welfare of the public and creating a safer community.

~~B. The city elects to come under the provisions of Wis. Stats. c. 125.51(3)(b), providing that a~~ A retail "Class B" license authorizes the sale of intoxicating liquor, wine, and fermented malt beverage to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity.

C. This subsection shall apply to all licensed premises that operate primarily as a grocery store, meaning that 65% or greater of sales are classified as grocery or alcohol for off-premise consumption and shall supersede subsection B. above and 5.28.030.G. Such establishments may sell intoxicating liquor, fermented malt beverage, and wine in any quantity, in the original package or container to be consumed off the premises, which shall only be sold between the hours of 8:00 a.m. and 9:00 p.m.

(SEAL) President Terry L. Weld  
(SEAL) Interim City Manager David A. Solberg  
(ATTESTED) Deputy City Clerk Nicholas L. Koerner

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